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UBER TECHNOLOGIES, INC. and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
THEIR MOTION *IN LIMINE* NO. 24
AND WAYMO'S BRIEF IN
OPPOSITION THERETO**

Judge: The Honorable William Alsup
Trial Date: October 10, 2017

Pursuant to N.D. Cal. Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (collectively, “Uber”) submit this administrative motion for an order to file under seal portions of the briefing and certain exhibits to Defendants’ Motion *in Limine* No. 24 and Waymo’s Brief in Opposition to Defendants’ Motions *in Limine* No. 24. Specifically, Uber requests an order granting leave to file under seal the confidential portions of the following:

Document	Portions to Be Filed Under Seal	Designating Party
DEFENDANTS’ OPENING MIL MATERIALS		
Defendants’ Motion <i>in Limine</i> No. 24 (“MIL 24”)	Highlighted Portions	Plaintiff (green)
Exhibit 8	Entire Document	Plaintiff
Exhibit 10	Highlighted Portions	Plaintiff (green)
Exhibit 12	Entire Document	Plaintiff
WAYMO’S OPPOSITION MATERIALS		
Plaintiff Waymo LLC’s Opposition to Defendants’ Motion In Limine No. 24 (“Waymo’s Opposition to Defendants’ MIL 24”)	Highlighted Portions	Plaintiff (green) Defendants (blue)
Exhibit 1 to the Declaration of Jeff Nardinelli (“Nardinelli Decl.”)	Entire Document	Defendants
Exhibit 2 to the Nardinelli Decl.	Highlighted Portions	Defendants (blue)
Exhibit 3 to the Nardinelli Decl.	Highlighted Portions	Defendants (blue)
Exhibit 4 to the Nardinelli Decl.	Highlighted Portions	Plaintiff (green) Defendants (blue)

DEFENDANTS’ MIL MATERIALS

The green highlighted portions of MIL 24 and of Exhibit 10 and the entirety of Exhibits 8 and 12 contain information that Waymo designated or considers “Confidential” and/or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order in this case, or that Waymo asked Uber to file under seal. (*See* Goodman Decl. ¶ 3.)

WAYMO’S OPPOSITION MATERIALS

The blue highlighted portions of Waymo’s Opposition to Defendants’ MIL 24, Exhibits 2, 3 and 4, and the entirety of Exhibit 1 to the Nardinelli Declaration contain confidential or highly confidential information regarding Uber’s LiDAR development and autonomous vehicle business strategy. This information is not publicly known, and its confidentiality is strictly maintained.

1 Disclosure of this information could allow competitors to obtain a competitive advantage over Uber
 2 by giving them details into Uber's internal development of LiDAR and business plans for autonomous
 3 ridesharing, which would allow competitors to understand Uber's LiDAR development and
 4 autonomous vehicle business strategy, and allow them to tailor their own strategy. If such information
 5 were made public, Uber's competitive standing could be significantly harmed. (*See* Goodman Decl.
 6 ISO Uber's Administrative Motion to File Documents Under Seal ("Goodman Decl.") ¶ 4.)

7 The green highlighted portions of Waymo's Opposition to Defendants' MIL 24 and of
 8 Exhibit 4 to the Nardinelli Declaration contain information that Waymo designated or considers
 9 "Confidential" and/or "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective
 10 Order in this case, or that Waymo asked Uber to file under seal. (*See* Goodman Decl. ¶ 5.)

11 Pursuant to Civil Local Rule 79-5(d)(2), Uber will lodge with the Clerk the documents at
 12 issue, with accompanying chamber copies.

13 Defendants served Waymo LLC with this Administrative Motion to File Documents
 14 Under Seal on September 13, 2017.

15 For the foregoing reasons, Defendants request that the Court enter the accompanying
 16 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and
 17 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –
 18 ATTORNEYS' EYES ONLY."

19
 20 Dated: September 13, 2017

BOIES SCHILLER FLEXNER LLP

21 By: /s/ Karen L. Dunn

22 Karen L. Dunn

23 *Counsel for Defendants*
 24 UBER TECHNOLOGIES, INC. AND
 25 OTTOMOTTO LLC